

Message Text

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C O N F I D E N T I A L BRUSSELS 12796

USEEC

EO 11652:GDS
TAGS: EEC
SUBJECT: EC ENLARGEMENT AND DEMOCRATIC PLURALISM

REF: BRUSSELS 12500

1. DURING LUNCH WITH DCM SEPTEMBER 27, EC COMMISSION SECRETARY GENERAL NOEL COMMENTED FURTHER ON RESULTS OF ARDENNES "CONCLAVE" REPORTED REFTEL AND ON COMMISSION'S OBJECTIVES OVER COMING MONTHS. WHILE CONFIRMING GENERAL LINES OF CURRENT THINKING AS OUTLINED REFTEL, HE HAD FOLLOWING TO ADD.

2. NOEL PRESIDES OVER A SPECIAL AD HOC WORKING GROUP, MADE UP OF COMMISSION OFFICIALS HANDPICKED BY NOEL FOR THEIR COMPETENCE AND "OPENNESS OF MIND", AND NOT BECAUSE OF ANY PARTICULAR BUREAUCRATIC LOGIC, WHICH WILL CARRY OUT FOLLOW-UP WORK EMERGING FROM MEETING OF SEPTEMBER 17-18. ITS FIRST TARGET IS TO SUBMIT TO COMMISSIONERS ITS
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RECOMMENDATION ON "DECLARATION OF COMMITMENT TO DEMOCRACY" BY MID-OCTOBER. HOPE IS THAT FORMAL COMMISSION PROPOSAL COULD GO FORWARD TO MEMBER STATES SUFFICIENTLY IN ADVANCE OF DECEMBER 4-5 EUROPEAN COUNCIL (HEADS OF STATE/GOVERNMENT) TO PERMIT ADOPTION OF DECLARATION AT THAT MEETING. (THAT IS, WELL IN ADVANCE OF ADOPTION OF ACCESSION TREATIES AND, NOT INCIDENTLY, OF FRENCH

ELECTIONS NEXT YEAR).

3. NOEL SPECULATED THAT LANGUAGE OF DECLARATION WOULD BE DESIGNED TO REGISTER COMMITMENT OF NINE TO DEMOCRATIC PLURALISM WITHOUT SETTING UP CONTINGENCY LEGAL MACHINERY TO INVOKE EC SANCTIONS SHOULD A PRESENT OR FUTURE MEMBER STATE BECOME UNDEMOCRATIC. LATER, AT TIME FUTURE ACCESSION TREATIES ARE NEGOTIATED, SAME LANGUAGE WOULD BE WRITTEN INTO THEM (PRESUMABLY IN THE PREAMBLE) WHICH, WHEN RATIFIED, WOULD BECOME PART OF THE "CONSTITUTIONAL PATRIMONY" OF ALL MEMBER STATES, NOT JUST NEW MEMBERS ALONE.

4. SECOND ASPECT OF GROUP'S WORK, LINKED MORE DIRECTLY TO ENLARGEMENT, IS TO PROPOSE CHANGES IN ROME TREATY ITSELF, WHICH COULD BE INCORPORATED AS PART OF FIRST (AND SUBSEQUENT) ACCESSION TREATIES TO BE NEGOTIATED. MAIN FOCUS IS ON VOTING RULES IN ROME TREATY. GROUP WILL TRY TO IDENTIFY THOSE CLAUSES WHICH CURRENTLY PROVIDE FOR UNANIMOUS VOTE OF COUNCIL THAT COULD BE CHANGED TO PROVIDE FOR MAJORITY VOTE. THESE WOULD BE PROPOSED TO NINE CURRENT MEMBERS AS EC NEGOTIATING OBJECTIVE AND, IF ADOPTED, WOULD SIMPLY BE PRESENTED TO THREE NEW APPLICANTS AS FAIT ACCOMPLI. SINCE THESE DECISIONS WOULD NOT BE NEGOTIABLE, IT WOULD NOT NECESSARILY REQUIRE PRESENTATION TO APPLICANTS AS A GROUP, BUT SUCH PROCEDURE IS NOT EX-CONFIDENTIAL

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CLUDED. NOEL SAYS HIS WORKING GROUP HOPES TO SEND REPORT ON THIS WORK TO COMMISSION BY EARLY NEXT YEAR.

5. THIRD MAJOR TASK OF THE GROUP IS TO EXAMINE AS MANY OPTIONS AS POSSIBLE AS REGARDS VARIOUS TRANSITION PERIODS WHICH COULD BE CONSIDERED FOR RECOMMENDATION TO THE COUNCIL IN THE CASE OF EACH OF THREE APPLICANTS. WHILE PRODUCT OF THESE REFLECTIONS WILL CERTAINLY BE FACTORED INTO COMMISSION THINKING AS IT PREPARES "OPINIONS" ON PORTUGUESE AND SPANISH APPLICATIONS REQUIRED BY ARTICLE 237, IT IS NOT INTENDED TO PREEMPT FORMAL WORK ON THOSE OPINIONS GOING FORWARD UNDER DIRECTION OF DEPUTY DIRECTOR GENERAL DE KERGORLAY. HOWEVER, DE KERGORLAY'S PRESENCE IN THE NOEL GROUP ASSURES APPROPRIATE CROSS-FERTILIZATION OF IDEAS. VARIETY OF PROPOSALS UNDER CONSIDERATION INCLUDES ONE REQUIRING DIFFERENT TRANSITION PERIODS FOR DIFFERENT ASPECTS OF INTEGRATION AND PROVISION WHEREBY FORMAL COMMUNITY DECISION WOULD BE REQUIRED TO MOVE ASPIRANT MEMBER FROM ONE TRANSITION PHASE TO THE NEXT. THOUGH COMMISSION WAS BURNED WHEN IT INTRODUCED SIMILAR CONCEPTS INTO ITS OPINION ON GREEK ACCESSION, FACT THAT MANY MEMBER STATES HAVE HAD SUBSEQUENT SECOND THOUGHTS

ON THAT ONE SUGGESTS THAT NO VARIATION IS BEING RULED
OUT A PRIORI, THOUGH THERE IS NO DISCERNIBLE TREND IN
DIRECTION OF STAFF THINKING SO FAR. HINTON

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